

**HOUSE BILL NO. 1406**

Introduced by

Representatives Hoverson, Henderson, S. Olson, Schatz, Tveit

Senators Boehm, Clemens, Estenson, Paulson

1 A BILL for an Act to create and enact a new section to chapter 23-01 and a new section to  
2 chapter 32-12.1 of the North Dakota Century Code, relating to ~~studying~~-vaccines and the  
3 medical liability of a governmental entity.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Vaccine ~~study~~ – Liability**

8 ~~1. The department of health and human services shall study and maintain records on the~~  
9 ~~effects of any vaccine intended to develop an immune system response to~~  
10 ~~SARS-CoV-2 and any mutation or viral fragments of SARS-CoV-2. The study must~~  
11 ~~include research on individuals who died thirty days after receiving the vaccine.~~

12 ~~2. If the department of health and human services promotes, markets, or advertises any~~  
13 ~~messenger ribonucleic acid vaccine or any vaccine intended to develop an immune~~  
14 ~~system response to SARS-CoV-2 and any mutation or viral fragments of SARS-CoV-2~~  
15 ~~as safe, the department shall cover the costs of treatment and diagnostics for any~~  
16 ~~individual who suffers any physical injury due to receiving the vaccine.~~

17 **SECTION 2.** A new section to chapter 32-12.1 of the North Dakota Century Code is created  
18 and enacted as follows:

19 **Medical liability of government entity.**

20 1. As used in this section, "medical product" means any product used to diagnose or  
21 manage SARS-CoV-2, any mutation or viral fragments of SARS-CoV-2, or a future  
22 disease, including any medical device, treatment, or drug.

23 2. Notwithstanding any other provision of law, a state agency, political subdivision, or any  
24 other governmental entity, may not require an individual to take, receive, or disclose

- 1           whether the individual has taken or received a medical product unless the
- 2           manufacturer of the medical product is liable for any death or serious injury caused by
- 3           the medical product.
- 4        3. Subsection 2 does not apply to a public hospital.